

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2010

HOUSE _____

Short Title: Broadband Access to All (Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE EXPANDED DEPLOYMENT OF COMMUNICATIONS
3 SYSTEMS THROUGHOUT RURAL AND URBAN COMMUNITIES AND TO
4 PROVIDE ACCESS TO ALL CITIZENS

5 Whereas, the development of advanced telecommunications capabilities, cable,
6 interactive computer, internet facilities and broadband services should be encouraged to
7 better serve the public and further economic development in this State; and

Whereas, it is necessary for public health, safety, growth, job opportunities, and sustained economic development to encourage investment and delivery of these telecommunications capabilities and services by public providers; and

Whereas, several municipalities and public-private partnerships have undertaken measures and invested resources to further advance telecommunications and broadband deployment throughout their communities; and

Whereas, there remain several un-served and under-served urban and rural areas in which high-speed internet, broadband access and advanced telecommunications services are virtually unavailable; and

17 Whereas, our State courts have ruled that local governments may expand public
18 enterprise systems in reasonable strides with technological advancements; and

Whereas, the House Select Committee on High Speed Internet on Rural and Urban Areas finds it imperative that the State continue to support the advanced deployment of both public and private telecommunications and broadband communications systems throughout North Carolina in order to maintain a competitive advantage with other states; Now therefore,

24 The General Assembly of North Carolina enacts:

25 **SECTION 1.** G.S. 160A-311 reads as rewritten:

26 “§ 160A-311. Public enterprise defined.

As used in this Article, the term "public enterprise" includes:

28 ...

29 | (7) Cable television systems, which may include any of the following:

30 a. Cable systems as defined in 47 U.S.C. § 522;

31	b. Fiber optics networks;
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32 c. High speed broadband services; and

33 a.d. Advanced telecommunications services.

34 | **SECTION 2.** G.S. 160A-319(b) reads as rewritten:

35 | “(b) For the purposes of this section, "cable television system" means any
36 | system ~~as defined by 47 U.S.C. § 522, or facility that, by means of a master antenna and~~
37 | ~~wires or cables, or by wires or cables alone, receives, amplifies, modifies, transmits, or~~
38 | ~~distributes any television, radio, or electronic signal, audio or video or both, to~~
39 | ~~subscribing members of the public for compensation. "Cable television system" does not~~
40 | ~~include providing master antenna services only to property owned or leased by the same~~
41 | ~~person, firm, or corporation, nor communication services rendered to a cable television~~
42 | ~~system by a public utility that is regulated by the North Carolina Utilities Commission or~~
43 | ~~the Federal Communications Commission in providing those services.”~~

44 | **SECTION 3.** G.S. 66-356 is amended by adding the following new subdivision
45 | to read:

46 | “(a1) Uniformity of Pricing. A person who provides cable service over a cable
47 | system that is served by a common head end or by the same equipment, must offer
48 | services at a uniform level of pricing to all subscribers, regardless of geographic location,
49 | in absence of verifiable cost based differences in providing the service to subscribers.”

50 | **SECTION 4.** G.S.159-81(3) is amended by adding the following new
51 | subdivision to read:

52 | “(3) "Revenue bond project" means any undertaking for the acquisition, construction,
53 | reconstruction, improvement, enlargement, betterment, or extension of any one or
54 | combination of the revenue-producing utility or public service enterprise facilities or
55 | systems listed in this subdivision, to be financed through the issuance of revenue bonds,
56 | thereby providing funds to pay the costs of the undertaking or to reimburse funds loaned
57 | or advanced by or on the behalf of either the State or a municipality to pay the costs of
58 | the undertaking.

59 |

60 | The following facilities or systems may be revenue bond projects under this
61 | subdivision:

62 |

63 | q. Systems or facilities for cable television, fiber optics, high speed broadband
64 | and advanced telecommunications.”

65 | **SECTION 5.** G.S. 153A-274 is amended by adding a new section to read as
66 | follows:

67 | “As used in this Article, "public enterprise" includes:

68 | ...

69 | (8) Cable television systems as defined in G.S. 160A-311.”

70 | **SECTION 6.** This Act is effective when it becomes law.